

USSN 09/769,405
 Art unit 3679
 Examiner J.R. Schiffman

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
 Washington, D.C.
 U.S.A. 20231

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 10-10-03

Response to Official Action

OFFICIAL

RE: Application Serial No.: 09/769,405
 Applicant: Arthur W. Lauder
 Title: Rod Coupling
 Filed: January 26, 2001
 Art Unit: 3679
 Examiner: J.R. Schiffman
 Attorney Docket No.: 143-3

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This is in response to the official action dated May 28, 2003. Please extend the time for response by one month and charge the required fee to deposit account no. 12-0434.

REMARKS

The Rejection

In the office action of May 28, 2003, Claims 1, 2, and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bair (US 4668117) in view of Beurer (US 3950017). Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bair (US 4668117) in view of Beurer (US 3950017) and further in view of Edge (US 272033). Applicant respectfully traverses the rejections.

Bair describes a solid rod coupling with a mounted guide. The rod guide is made of moulded plastic (col. 2, lines 57-59) and is bonded to the surface of the rod coupling (col. 2, lines 36-37). The rod coupling is solid (Fig. 1). A tongue and groove arrangement secures the guide on the rod coupling.

Bair therefore differs from the claimed invention of claims 1 or 7 by failing to show any of (1) the rod coupling having a tubular housing having an interior surface

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defining a bore or (2) plural openings extending transversely through the housing from the interior surface to the exterior surface or (3) a coating on the exterior surface of the tubular housing and covering the plural openings.

The examiner then turns to Beurer to find a teaching of a bore in a coupling with plural openings 18 to allow polyurethane can flow through the openings, and thence finds it obvious to modify Bair with the teachings of Beurer. The examiner's analysis is a classic example of hindsight reasoning and picking bits and pieces from the prior art to attempt to come up with the claimed invention. The Beurer reference is completely irrelevant, teaches nothing to do with rod couplings, and would yield incomprehensible results if any attempt were made to apply its teachings to Bair.

Beurer actually teaches coupling of polyethylene tubing and metal tubing by inserting the metal tube into the end of the polyethylene tube and casting a block around the tube assembly. This has nothing whatsoever to do with rod couplings. The claimed invention does not deal with coupling polyethylene tubing to metal tubing, and certainly not by inserting one end of one piece of tubing into another. Beurer is completely irrelevant. No-one would look to it for useful teaching in relation to rod couplings.

Second, even if Beurer were applied to Bair, what would be the result? The teaching in Beurer is to produce two hollow ends of different diameters, slide one within the other, then case a block around them. Applying this to Bair, one would have to take the rods, hollow them out, alter their sizes, place one within the other and then case a block around them. Not only is that an incomprehensible result, it's simply not what is claimed.

Nothing in Beurer teaches a rod coupling with a tubular housing and an interior bore, openings through the tubular housing and a coating applied over the openings. Bair does not teach this and Beurer does not teach this, and their combination is non-sensical. The only teaching of the invention as claimed in claim 1 comes from the applicant.

Hence, an attempt to modify Bair by selecting parts of the teaching of Beurer to yield the invention of the applicant is only made possible by actually ignoring the

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teaching of Beurer and using the guidance provided by the claimed invention. This is the essence of impermissible hindsight analysis.

While this analysis applies to claims 1 and 7, the remaining claims are all patentable for like reason.

Reconsideration and withdrawal of the rejections, and allowance of the application, is respectfully requested.

Respectfully submitted, signed and certified as being faxed to the USPTO (3 pages) on:

Sep. 26/03
(Date)

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